



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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04/8/03

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In re Application of:

Gerhrad PFAFF et al.

Serial No.: 09/889,427

Examiner: Tae H. Yoon

Filed: July 18, 2001

Group Art Unit: 1714

Title: MULTILAYER PEARL LUSTRE PIGMENT

**RESPONSE TO REQUIREMENT FOR RESTRICTION**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Office Action mailed March 4, 2003, and the restriction requirement set forth therein, Applicants hereby elect Group I, claims 1-4 and 9-12, drawn to multilayer pearl luster pigments and use thereof. The election is made with traverse for the reasons set forth below. Applicants reserve the right to file one or more divisional applications directed to the non-elected subject matter. Also, applicants reserve the right to file method of making claims dependent on claim 1 which, it is believed, would not be subject to restriction or would be later re-joined, if restricted.

The requirement for restriction is traversed on the grounds that the examination of the two groups of invention indicated in the Office Action together would not amount to a serious burden upon the PTO. In the absence of a serious burden of examination, restriction is not proper. See M.P.E.P. § 803. Thus, the requirement should be withdrawn.

Favorable action is earnestly solicited.

Respectfully submitted,



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Attorney Docket No.: MERCK-2281

Date: April 2, 2003

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